

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COLTEN LEE SHAMBO,

Defendant.

CR-18-53-GF-BMM

CR-18-54-GF-BMM

ORDER

Defendant Colton Lee Shambo appeared before United States Magistrate Judge John Johnston on September 4, 2018, and entered a plea of guilty to one count of Domestic Abuse by Habitual Offender as charged in the Indictment in CR-18-54-GF-BMM. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment in CR-18-53-GF-BMM. Judge Johnston entered Findings and Recommendations on September 4, 2018. (Doc. 24). Judge Johnston determined: (1) that Shambo was fully competent and capable of entering an

informed and voluntary plea; (2) that Shambo was aware of the nature of the charge against him and the consequences of pleading guilty to the charge; (3) that Shambo understood his constitutional rights, and the extent to which he was waving those rights by pleading guilty; and (4) that Shambo's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in Count I the Indictment in CR-18-54-GF-BMM. (Doc. 24 at 1-2). Judge Johnston recommended that this Court accept Shambo's plea of guilty to Count I as charged in the Indictment in CR-18-54-GF-BMM, and that sentence be imposed. Judge Johnston further recommended that the Indictment in CR-18-53-GF-BMM be dismissed. (Doc. 24 at 2). Neither party filed objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error given that no objections were filed. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, **IT IS ORDERED:**

1. Shambo's Motion to Change Plea (Doc. 18) is **GRANTED**.

2. The Court will defer acceptance of the Plea Agreement (Doc. 18) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

DATED this 25th day of September, 2018.



Brian Morris
United States District Court Judge